

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **1, 3, 8, 18-19**, and **24** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bennett (US 6,419,579) in view of Cannon et al (US 5,766,074) in further view of Inoue (US 6,942,572).

Claims **1, 8, 18**, and **24**: Bennett teaches a gaming machine comprising:

a display module with multiple display areas contained therein for displaying a changing display including the changing of multiple symbols (reel spin feature) at the start of a game (*Bennett* Figure 1, Col 1:60-67);

a plurality of symbols including at least one wild symbol (*Bennett* Fig 3, Col 2:1-21);

the display of multiplication factor with the presentation of the wild symbol in combination with winning arrangements of symbols (*Bennett* Figure 3 Col 1:51-2:11, 2:42-44)

multiple win lines comprising a subset of the plurality of symbols (*Bennett* Col 3:25-35);

a static display of the plurality symbols on multiple areas of the display module (*Bennett* Figure 1, Col 1:60-67); and

an evaluation module for identifying singular(normal) winning arrangements of predefined symbols and/or multiple winning arrangements of symbols and wild symbols on the display such that the common wild symbol establishes at least two predefined wins (*Bennett* Figure 1, Col 4:29-5:25; 5:31-40; 6:10-17)

Though arguably implicit to the nature of gaming devices the prior art of Bennett does not explicitly describe the presentation of game symbols in a static array both prior to the initiation of a game and after the conclusion of a game. In a related teaching however, Cannon teaches the presentation of game symbols in a static array both prior to the initiation of a game and after the conclusion of a game as a series repeating games (*Cannon* Figure 3). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the repeated presentation of static symbol arrays before and after game plays as taught by Cannon into the invention of Bennett in order to provide

the player with the ability to review game results for a previous game at a user selectable time period concluded in the player initiation of a subsequent game.

While the combination of Bennett & Cannon is arguably silent regarding distinguishably displaying of the winning combinations generated on the display, the related invention of Inoue teaches distinguishably displaying of the winning combinations generated on the display through the use of alternating different colors of illumination in a gaming machine to highlight multiple different winning outcomes including winning outcomes with common symbols (*Inoue* Figure 4 Abstract Col 2:25-35, 6:25-45, 7:64-8:11). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the unique winning outcome identification features of Inoue with the detection of multiple winning combinations including a common wild symbol in the combination of Bennett & Cannon in order to clearly present the winning game symbol results to the player thereby preventing confusion as taught by Inoue (*Inoue* Col 2:5-36).

Claim 3, and 19: In addition to the above the combination of Bennett, Cannon, & Inoue teaches the sequential(repeated) visual differentiation displaying of multiple winning arrangements with a common symbol, according to each individual winning pattern established by multiple win arrangements of symbols in which multiple wins are established (*Inoue* Col 2:25-36; *Bennett* Col 4:29-5:25).

Claims **2, 4, 6, 9, 10, 11, 20, 22, 26**, and **29** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bennett (US 6,419,579) in view of Cannon et al (US 5,766,074) in further view of Inoue (US 6,942,572) as applied to at least claim 1 above and in yet further view of Kaminkow (US 6,837,790).

Claims **2, 4, 6, 10, 11, 20, 22, 26**, and **29**: Though the combination of Bennett, Cannon, & Inoue teaches the gaming device as set forth above, however the combination is silent regarding the incorporation of a vibration feature such that a display mechanism vibrates when a multiple win feature including a common wild symbol occurs. In a related invention however, Kaminkow teaches the inclusion of a vibration feature for vibrating displayed game elements in an electronic wager game wherein the feature is further taught by Kaminkow as being readily adaptable to a plurality game trigger events (*Kaminkow* Col 2:16-37, 5:25-32). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the features of the vibration feature as taught by Kaminkow into the combination of Bennett, Cannon, & Inoue, in order to provide the player with additional entertainment and excitement as taught by Kaminkow (*Kaminkow* Col 2:54-60). Claim language extending the vibration of game elements to a plurality of game symbols is understood as encompassed by the teachings of Kaminkow and in the alternative thereto representing an obvious duplication of parts (per MPEP 2144.04.VI.B) of Kaminkow in the combination of Bennett, Cannon, Inoue, & Kaminkow that would have been obvious to one of ordinary

skill in the art at the time of invention to draw attention to the shared wild symbols presented during gaming.

Claim **9**: In addition to the above the combination of Bennett, Cannon, Inoue & Kaminkow teaches the sequential(repeated) visual differentiation displaying of multiple winning arrangements with a common symbol, according to each individual winning pattern established by multiple win arrangements of symbols in which multiple wins are established (Inoue Col 2:25-36; *Bennett* Col 4:29-5:25).

Claims **7**, **15**, and **23** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bennett (US 6,419,579) in view of Cannon et al (US 5,766,074) in further view of Inoue (US 6,942,572), as applied to claims **1-4**, **6**, **8-11**, **18-20**, **22**, and **24-29** above and further in view of Hamano (US 5,205,555).

Though teaching teaches the gaming device as set forth above and including teaching the presentation of a multiplier symbol with the presentation of a wild symbol on the reel display (*Bennett* Col 1:61-2:11; Figure 3), the combination of Bennett, Cannon, & Inoue is silent regarding the incorporation of multiplier that are predetermined based on the symbol combination. In a related invention however, Hamano teaches the display and inclusion of predefined multipliers resultant on the arrangement of game symbols in a multi-reel slot machine (*Hamano* Figures 15-16, Col 1:38-2:39) to make a slot machine game more entertaining and a more exciting experience. It would have been obvious

to one of ordinary skill in the art at the time of invention to have incorporated the predefined multipliers resultant on the arrangement of the game symbols of Hamano into the combination with the symbols of Bennett, Cannon, & Inoue in order to make a slot machine game more entertaining and a more exciting experience as taught by Hamano.

Claim **14** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bennett (US 6,419,579) in view of Cannon et al (US 5,766,074) in further view of Inoue (US 6,942,572) in yet further view of Kaminkow (US 6,837,790), as applied to at least claims **2, 4, 6, 9, 10**, and **11** above and further in view of Hamano (US 5,205,555).

Though teaching teaches the gaming device as set forth above and including teaching the presentation of a multiplier symbol with the presentation of a wild symbol on the reel display (*Bennett* Col 1:61-2:11; Figure 3), the combination of Bennett, Cannon, & Inoue is silent regarding the incorporation of multiplier that are predetermined based on the symbol combination. In a related invention however, Hamano teaches the display and inclusion of predefined multipliers resultant on the arrangement of game symbols in a multi-reel slot machine (*Hamano* Figures 15-16, Col 1:38-2:39) to make a slot machine game more entertaining and a more exciting experience. It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the predefined multipliers resultant on the arrangement of the game symbols of

Hamano into the combination with the symbols of Bennett, Cannon, & Inoue in order to make a slot machine game more entertaining and a more exciting experience as taught by Hamano.

Claim **16**, is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bennett (US 6,419,579) in view of Cannon et al (US 5,766,074) in further view of Inoue (US 6,942,572) in yet further view of Kaminkow (US 6,837,790)., as applied to claims **4** above and further in view of Hamano (US 5,205,555).

Though teaching teaches the gaming device as set forth above and including teaching the presentation of a multiplier symbol with the presentation of a wild symbol on the reel display (*Bennett* Col 1:61-2:11; Figure 3), the combination of Bennett, Cannon, Inoue, & Kaminkow is silent regarding the incorporation of multiplier that are predetermined based on the symbol combination. In a related invention however, Hamano teaches the display and inclusion of predefined multipliers resultant on the arrangement of game symbols in a multi-reel slot machine (*Hamano* Figures 15-16, Col 1:38-2:39) to make a slot machine game more entertaining and a more exciting experience. It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the predefined multipliers resultant on the arrangement of the game symbols of Hamano into the combination with the symbols of Bennett, Cannon, Inoue, & Kaminkow in order to make a slot machine game more entertaining and a more exciting experience as taught by Hamano.

Claims **25, 27, 28**, and **34-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bennett (US 6,419,579) in view of Cannon et al (US 5,766,074) in further view of Inoue (US 6,942,572) as applied to at least claim 1 above and in yet further view of Yoseloff (US 6,311,976).

In the combination of Bennett, Cannon, & Inoue, Inoue teaches the alternating identification different winning arrangements including the “repeated illumination” of symbols understood to implicitly require a time interval. The combination of Bennett, Cannon, & Inoue is silent regarding the utilization of a time interval to change a wild symbol present in a winning combination to other specific symbols that complete the winning arrangement however the related invention of Yoseloff teaches the morphing (a process understood to inherently include transformation over a time interval) of a wild symbol into a specific game symbol as to complete a winning combination (*Yoseloff* Col 8:44-46, 10:21-29, 11:22-37). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the wild symbol morphing features of Yoseloff into the combination of Bennett, Cannon, & Inoue in order to clearly present to the player the specific game symbol that the wild symbol is substituting.

Claims **30-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bennett (US 6,419,579) in view of Cannon et al (US 5,766,074) in

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further view of Inoue (US 6,942,572) as applied to claims **1, 3, 8, 18-19**, and **24** above and further in view of Brossard (US 6,302,709).

In the combination of Bennett, Cannon, & Inoue, Bennett teaches the generation of win sounds during the play of the game feature including a wild symbol and is understood to teach the implicit inclusion of audio data modules, and a speaker (*Bennett* Col 5:15-20). The combination of Bennett, Cannon, & Inoue is silent regarding the incorporation the use of voice as a sound however in a related gaming invention, Brossard teaches utilizing voices as sounds in gaming environment (*Brossard* Col 9:54-60). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the voice of Brossard as the as a win sound in the combination of Bennett, Cannon, & Inoue in order to provide sounds associated with the theme of the game as taught by Brossard as cited above.

Claim **37** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bennett (US 6,419,579) in view of Cannon et al (US 5,766,074) in further view of Inoue (US 6,942,572) in view of Hamano (US 5,205,555) as applied to at least claim **14** above and in yet further view of Yoseloff (US 6,311,976).

In the combination of Bennett, Cannon, Inoue, & Humano Inoue teaches the alternating identification different winning arrangements including the “repeated illumination” of symbols understood to implicitly require a time interval. The combination of Bennett, Cannon, Inoue, & Humano is silent regarding the

utilization of a time interval to change a wild symbol present in a winning combination to other specific symbols that complete the winning arrangement however the related invention of Yoseloff teaches the morphing (a process understood to inherently include transformation over a time interval) of a wild symbol into a specific game symbol as to complete a winning combination (*Yoseloff* Col 8:44-46, 10:21-29, 11:22-37). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporated the wild symbol morphing features of Yoseloff into the combination of Bennett, Cannon, Inoue, & Humano in order to clearly present to the player the specific game symbol that the wild symbol is substituting.

Response to Arguments

Applicant's arguments dated July 29th, 2011 with respect to claims **1-4, 6-11, 14-16, 18-20, and 22-37** have been considered but are not persuasive.

On pages 14 through 16 of the applicant's remarks, the applicant contends support for the amended language of "distinguishably displaying" based on among other cited portions of their specification, figure 3. The applicant holds as the invention as disclosed by the specification performs different steps for the presentation of regular wins and wins containing a wild symbol there is support reference this difference of "distinguishably displaying". The applicant's argument with regard to this language as amended is reasonable and the rejection of claims under USC §112, first paragraph has

been withdrawn. Additional objections associated with the aforementioned rejection have also been withdrawn.

On pages 16 through 21 the applicant proposes the non-obviousness of the pending claimed invention based on:

(i) The proposition that the prior art does not teach displaying multiple winning combinations including a common wild symbol differently than the presentation of winning combinations without the inclusion of a wild symbol (Page 17).

(ii) The proposition that the amended claims language directed to the functionality of the presentation of winning combinations sharing a wild symbol and those absent a wild symbol is not provided by the prior art (Page 17).

(iii) The proposition that the prior art sub-combination of Bennett & Cannon does not teach the presentation of a wild symbol during the initial static display of game symbols (Page 18).

(iv) The proposition that Bennett teaches only presenting one winning combination at a time (page 18).

(v) The proposition that neither Bennett or Inoue teaches the presentation of wins differently based on the inclusion of a wild symbol (Page 19).

(vi) The proposition that Cannon teaches only teach the recognition of a singular winning pattern and therefore would implicitly teach away from a combination of references that teach the presentation of multiple winning combinations

In response to the above it is noted:

(i-a) The claim language of the pending claims does not address or describe the presentation of winning combinations without the inclusion of a wild symbol. The applicant appears to be relying on features of the invention not reflected in the pending claims. Simply, the claim does not address the presentation of normal wins as presently claimed and therefore is missing an essential element in establishing any proposed difference in the presentation of normal wins and wild symbol inclusive wins based on the recognized difference in the claimed invention.

(ii-a) The recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Further it is noted that the prior art of combination notes the need to visually distinguish winning patterns in both Cannon and Inoue as presented in the rejections above.

(iii-a) The display of a wild symbol in the initial presentation of game symbols is an optional element as claimed and not required by the construction of the pending claims. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. (See MPEP 2106.II.C).

(iv-a) Bennett teaches the recognition of multiple winning patterns at a time per the example of Bennett (*Bennett* Col 5:30-6:25).

(v-a) The argued claim features are not presented in the claimed invention as presented in element i-a above and can accordingly not serve provide a basis for separation between the claimed invention and the prior art.

(vi-a) Cannon makes no direct teaching against the use of multiple winning combinations and in fact seems to acknowledge the presence of such (*Cannon* Col 2:66-3:4; 3:41-49; 9:18-21). In view of the preceding and the applicant's arguments it is unclear in what manner Cannon would otherwise discourage the use of multiple winning combinations or how the invention of Cannon would fail to function in an embodiment including multiple winning arrangements such as Bennett.

In view of the response to arguments and rejections as presented above the applicant's arguments for non-obviousness of the claimed invention directly and through dependency are respectfully found non-persuasive.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT MOSSER whose telephone number is (571)272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Lewis can be reached on (571) 272-7673. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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